

## PATENT COOPERATION TREATY

PCT

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents  
United States Patent and Trademark  
Office  
Box PCT  
Washington, D.C.20231  
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

<b>Date of mailing</b> (day/month/year) 20 March 2000 (20.03.00)	
<b>International application No.</b> PCT/US99/12773	<b>Applicant's or agent's file reference</b> PCT 20251
<b>International filing date</b> (day/month/year) 08 June 1999 (08.06.99)	<b>Priority date</b> (day/month/year) 12 June 1998 (12.06.98)
<b>Applicant</b> FEIGHNER, Scott, D. et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

10 January 2000 (10.01.00)

☐ in a notice effecting later election filed with the International Bureau on:2. The election ☒ was☐ was not

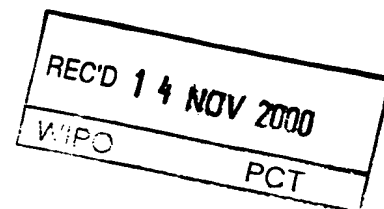
made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

<b>The International Bureau of WIPO</b> 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	<b>Authorized officer</b> Maria Kirchner Telephone No.: (41-22) 338.83.38
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PATENT COOPERATION TREATY  
**PCT**

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference 20251 PCT	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US99/12773	International filing date (day/month/year) 08 JUNE 1999	Priority date (day/month/year) 12 JUNE 1998
International Patent Classification (IPC) or national classification and IPC Please See Supplemental Sheet.		
Applicant MERCK & CO., INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand  10 JANUARY 2000	Date of completion of this report  19 OCTOBER 2000
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks By PCT Form PCT/IPEA/416 (July 1998)★ Washington, D.C. 20231	Authorized officer <i>Sella Collins for</i> NIRMAL S. B. (161) 308-0196

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/12773

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

☒ the international application as originally filed

☒ the description:

pages 1-16, as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of

☒ the claims:

pages 17-18, as originally filed

pages NONE, as amended (together with any statement) under Article 19

pages NONE, filed with the demand

pages NONE, filed with the letter of

☒ the drawings:

pages 1-13, as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of

☒ the sequence listing part of the description:

pages 1-11, as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☒ contained in the international application in printed form.

☒ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☒ The amendments have resulted in the cancellation of:

☒ the description, pages NONE

☒ the claims, Nos. NONE

☒ the drawings, sheets/fig NONE

### 5. ☒ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

For PCT/US99/12773, dated July 1999, furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/US99/12773

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement

### 1. statement

Novelty (N)	Claims	<u>7. 8</u>	YES
	Claims	<u>1-6</u>	NO
Inventive Step (IS)	Claims	<u>7. 8</u>	YES
	Claims	<u>1-6</u>	NO
Industrial Applicability (IA)	Claims	<u>1-8</u>	YES
	Claims	<u>NONE</u>	NO

### 2. citations and explanations (Rule 70.7)

Claims 1-6 lack novelty under PCT Article 33(2) as being anticipated by Mc et al. Mc et al disclose human medallion receptors (GPCR38 and GPCR39) having the amino acid sequence of SEQ ID NOs:3 and 5, having nucleic acid sequence of SEQ ID NOs:2 and 4 thereby meeting the limitations of claims 1-6 (Fig 1 and Materials and Methods. Having is interpreted as open ended language and is considered to be the same as comprising.

Claims 1-8 have industrial applicability as set forth in PCT article 33(4) because the medallion receptor can be used to prepare antibodies.

----- NEW CITATIONS -----  
NONE

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/12773

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Sheet 10

Continuation of: Boxes I - VIII

**CLASSIFICATION:**

The International Patent Classification (IPC) and/or the National classification are as listed below:  
IPC(7): C07H 21/04; C07K 14/705; C12N 15/09, 15/63; C12Q 1/68 and US Cl.: 536/23.5, 24.3; 435/7.2, 69.1, 320.1;  
530/350

**I. BASIS OF REPORT:**

5. (Some) amendments are considered to go beyond the disclosure as filed:  
NONE

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US99/12773

<b>A. CLASSIFICATION OF SUBJECT MATTER</b> IPC(6) : C07H 21/04; C07K 14/705; C12N 15/09, 15/63; C12Q 1/68 US CL : 536/23.5, 24.3; 435/7.2, 69.1, 320.1; 530/350 According to International Patent Classification (IPC) or to both national classification and IPC		
<b>B. FIELDS SEARCHED</b> Minimum documentation searched (classification system followed by classification symbols) U.S. : 536/23.5, 24.3; 435/7.2, 69.1, 320.1; 530/350  Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched  Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) Please See Extra Sheet.		
<b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5,712,253A (LARTEY et al) 27 Jan. 1998, column 18, lines 40-56	1
X	MCKEE, K. K. et al. Cloning and characterization of Two Human G Protein-Coupled Receptor Genes (GPR38 and GPR39) Related to the Growth Hormone Secretagogue and Neurotensin Receptors. Genomics, 1997, Vol. 46, pages 426-434, see whole document.	1-6, 8
X,P	Database GenEmbl, No.AF082210, PALYHA, O. C. et al. 'Orphan G protein-Coupled Receptor from Teleost Fish Spheroides Nephelus Related to Growth Hormone Secretagogue Receptor,' Sequence listing, September 1998.	7
<input type="checkbox"/> Further documents are listed in the continuation of Box C. <input type="checkbox"/> See patent family annex.		
*A*	Special categories of cited documents: document defining the general state of the art which is not considered to be of particular relevance	*T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
*E*	earlier document published on or after the international filing date	*X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
*L*	document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	*Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
*O*	document referring to an oral disclosure, use, exhibition or other means	*Z* document member of the same patent family
*P*	document published prior to the international filing date but later than the priority date claimed	
Date of the actual completion of the international search 22 JULY 1999		Date of mailing of the international search report 07 OCT 1999
Name and mailing address of the ISA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230		Authorized officer NIRMAL S. BASI Telephone No. (703) 308-0196

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US99/12773

## B. FIELDS SEARCHED

Electronic data bases consulted (Name of data base and where practicable terms used):

N-GENSEQ-34, GENEMBL, EST, SWISSPROT-36, SPTREMBL-8, APS, EMBASE, BIOSIS, MEDLINE, WPIDS, JAPIO, CAPLUS

Search terms: SEQ. ID. NO:1-7, motilin receptor, g protein coupled receptor